

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL JOHNSON,  
Plaintiff,

v.

J. MATA, et al.,  
Defendants.

No. 2:22-cv-00613-DAD-KJN (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DISMISSING  
ACTION DUE TO PLAINTIFF'S FAILURE  
TO PROSECUTE

(Doc. No. 69)

Plaintiff Michael Johnson is a federal prisoner proceeding *pro se* in this civil rights action brought pursuant to *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971). This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On October 10, 2023, the assigned magistrate judge issued findings and recommendations recommending that this action be dismissed, without prejudice, due to plaintiff's failure to prosecute this action. (Doc. No. 69.) Specifically, the magistrate judge noted that the service copy of the court's order dated September 1, 2023 (Doc. No. 68), which was mailed to plaintiff at his address of record, had been returned to the court marked as "Undeliverable." Thus, plaintiff was required to file a notice of his change of address with the court no later than November 13, 2023. Because plaintiff had not done so, the magistrate judge concluded that plaintiff has failed

1 to comply with Local Rule 183(b)'s requirement that a party appearing *pro se* inform the court of  
2 any address change. (Doc. No. 69.) Further, because plaintiff had not otherwise communicated  
3 with the court, the magistrate judge concluded that plaintiff has failed to prosecute this action.  
4 The pending findings and recommendations were served on plaintiff by mail at his address of  
5 record and contained notice that any objections thereto were to be filed within fourteen (14) days  
6 after service. (*Id.* at 2.)<sup>1</sup> To date, no objections to the findings and recommendations have been  
7 filed, and the time in which to do so has now passed.

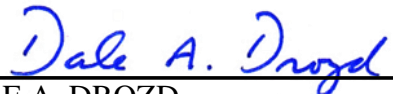
8 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a  
9 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the  
10 findings and recommendations are supported by the record and by proper analysis.

11 Accordingly:

- 12 1. The findings and recommendations issued on October 10, 2023 (Doc. No. 69) are  
13 adopted in full;
- 14 2. This action is dismissed, without prejudice, due to plaintiff's failure to prosecute  
15 this action; and
- 16 3. The Clerk of the Court is directed to close this case.

17 IT IS SO ORDERED.

18 Dated: December 20, 2023

19   
20 DALE A. DROZD  
21 UNITED STATES DISTRICT JUDGE  
22  
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24  
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28 <sup>1</sup> On November 3, 2023, the service copy of the findings and recommendations were returned to  
the court marked as "Undeliverable, Return to Sender, Unable to Forward."